

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant(s): James C. Bedingfield et al.

Title: System and Method of Automatically Updating Content on a Web Site

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**REPLY BRIEF**

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The independent claims all recite determining that a named party has failed to reply to an electronic message, and transmitting a copy of content on a web site to the named party as a reminder electronic message.

The Office acknowledges that Feinlieb teaches that “a user creates an email message that includes a message set that encompasses all the necessary information to generate and send an electronic reminder.” *Examiner’s Answer*, p. 10. Feinlieb further discloses that the email message can set a first reminder date and a second reminder date for the system to automatically send reminder message to the user. The Office agrees with this position by acknowledging that “Feinlieb clearly teaches that an initial reminder message (i.e. the first electronic message) is sent to a specific named party at a specified time and that at a predetermined later time the reminder message is resent (i.e. the reminder electronic message) to the specific named party.”

*Examiner’s Answer*, p. 10.

However, the Office improperly asserts that Feinlieb teaches that “if the user does not respond/complete a task defined in the first reminder message, the system of Feinlieb will resend the reminder message at an identified later date and time.” *Examiner’s Answer*, p. 11. Feinlieb discloses that completion of a task or reminder can be identified by the system before any of the reminder emails have been sent:

In this particular instance, email 52 is a reply to an electronic reminder 12, but it is understood that reminders 12 may also be marked complete by email from other persons, for example by the creator of the reminder John Doe even before the reminder is sent. In response to recognition by module 22 of the “Complete” command and a reminder ID 38, program 44 will send a completion notice to submitter 16 identified with reminder ID 38.

*Feinlieb*, Col. 5, lines 5-9

Thus, a task can be completed by any person at any time, such as even before any reminders are sent, and a completion notice can be sent to the submitter in response to the email.

Therefore, Feinlieb discloses sending a completion notice email in response to a reply email or other email identifying that the task is completed, which is the opposite of determining that a named party has failed to reply to an electronic message, and transmitting a copy of content on a web site to the named party as a reminder electronic message.

Independent claims 1 and 7 further recite determining whether content on a web site is due to be updated, retrieving a copy of the content on the web site based on the update type being a random update type, the random update type specifying a random portion of the content on the website that is retrieved, and submitting the copy of the content on the web site to the named party. Similarly, independent claim 11 further recites that the server is configured to select a random portion of the content residing on the web hosting server, and to cause a copy of the random portion of the content residing on the web hosting server to be submitted to the named party.

The Office asserts Davis discloses that “in order for the content provider to update the appropriate web site sections to which they are responsible for, the content provider must access the URL of the website to retrieve a copy of the page from the server and present it to the user (column 1, lines 38-50)(Fig. 7).” *Examiner’s Answer*, p. 13. However, this assertion is a mischaracterization of the teachings of Davis.

Davis discloses presenting a web site to an individual in response to a received URL:

A Web page, using a standard page description language known as HyperText Markup Language (HTML), typically displays text and graphics, and can play sound, animation, and video clips. HTML provides basic document formatting and allows a Web page developer to specify hypertext links (typically manifested as highlighted text) to other servers and files. When a user selects a particular hypertext link, the Web browser reads and interprets the address, called a URL (Uniform Resource Locator) associated with the link, connects the client with the Web server at that address, and makes a TCP/IP request for the Web page identified in the link. The server then sends the requested Web page to the client in HTML format which the browser interprets and displays to the user.

*Davis*, Col. 1, lines 38-50

The cited portion discloses that an individual can view a web page by entering a URL into a browser, the browser receiving the HTML for the web page from a server, and the browser displaying the web page to the individual. However, nothing in the cited portion or any other portion of Davis discloses or even suggests that the user receives only a portion of the web page that needs be updated from the server.

The Office also asserts that “the copy of the content that the content provider accesses based on the selected URL designated web page is shown in Fig. 7. Fig. 7 shows the web page to be updated in accordance with the designated ports already inserted into said web page (column 10, lines 20-54).” *Examiner’s Answer*, p. 13. However, while this portion of Davis discloses a portion of a web page to be updated, it does not disclose that the content provider received the portion from the server:

A Web page “target” to be updated in accordance with an embodiment of the present invention includes one or more “ports” positioned within the Web page and configured to accept content changes. Each port is invisible to users viewing the Web page with a browser. Each port allows a content provider to access a defined area of the Web page and to make changes and additions to the content therewithin without disturbing other portions of the Web page. A port may also encompass the entire area of a Web page, thus allowing the content provider to revise the entire page. Referring now to FIG. 7, a target Web page 60 in HTML format is illustrated having a port 62, represented by the <RPM> tag 62a, within the body portion 64 thereof. The <RPM> tag 62a may be placed anywhere within the body portion 64 (defined by <BODY> tags 64a, 64b) to identify where content changes are to be inserted.

*Davis*, Col. 10, lines 20-35

Therefore, Davis does not disclose retrieving a portion of a web site that needs to be updated and submitting the portion to a user. Patterson discloses a user emailing electronic content, but does not disclose that the electronic content needs to be updated.

The Office asserts that “Burson has been relied upon to teach the well known concept of retrieving/updating content on a web site based on a random update type whereby a random portion of the content on the web site was accessed and retrieved.” *Examiner’s Answer*, p. 14. Further, the Office acknowledges that Burson taught that in order to provide personal information to an end user quickly, when the end user requested access to all of his/her updated information a pseudo-random updating model/policy could be utilized. *Examiner’s Answer*, p. 15 (Emphasis added). Thus, the Office acknowledges that Burson does not overcome the deficiencies of Davis and Patterson to disclose providing a portion of a web site that needs to be updated to a user.

Therefore, Davis, Patterson, and Burson alone or in combination fail to disclose determining whether content on a web site is due to be updated, retrieving a copy of the content on the web site, and submitting the copy of the content on the web site to the named party as the Office has improperly asserted.

The final rejection of claims 1, 3, 4, 6, 7, 10, 11, 13, 16, and 18-23 should be reversed.

Respectfully submitted,

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Date

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